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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Case No. 04 10487 GAO

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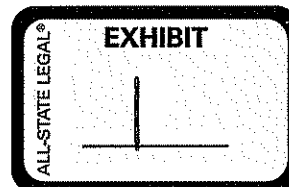
INSITUFORM TECHNOLOGIES, INC.,
Plaintiff,
vs.

AMERICAN HOME ASSURANCE COMPANY,
Defendant.

-----)

DEPOSITION OF CHRIS CAMPOS, CPA
New York, New York
Friday, May 11, 2007

Reported by:
Toni Allegrucci
JOB NO. 194114/9968



1
2 May 11, 2007
3 9:34 a.m.
4
5 Deposition of CHRIS CAMPOS, held at
6 the offices of Nixon Peabody, LLP, 437
7 Madison Avenue, New York, New York,
8 pursuant to Notice and Federal Rules of
9 Civil Procedure, before Toni Allegrucci,
10 a Notary Public of the State of New
11 York.
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1
2 **APPEARANCES:**
3
4 **HOLLAND & KNIGHT, LLP**
5 Attorneys for Plaintiff
6 131 S. Dearborn Street 30th Flr.
7 Chicago, Illinois 60603
8 **BY: CHARLES L. PHILBRICK, ESQ.**
9
10 **NIXON PEABODY, LLP**
11 Attorneys for Defendant
12 100 Summer Street
13 Boston, Massachusetts 02110
14 **BY: GREGORY P. DESCHENES, ESQ.**
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1 **CAMPOS**
2 CHRIS CAMPOS, called as a witness,
3 having been duly sworn by a Notary Public,
4 was examined and testified as follows:
5 **EXAMINATION BY**
6 **MR. DESCHENES:**
7 **Q. State your name for the record,**
8 **please.**
9 A. Chris Campos.
10 **Q. State your business address,**
11 **please.**
12 A. 310 Cedar Lane, Teaneck, New Jersey
13 07666.
14 **Q. Good morning, Mr. Campos.**
15 A. Good morning, sir.
16 **Q. My name is Greg Deschenes, we just**
17 **briefly met out in the lobby. I represent**
18 **the defendant in this case, American Home**
19 **Assurance Company.**
20 **Thank you for coming in today.**
21 A. Okay. You are welcome.
22 **Q. Appreciate it. Could you please**
23 **state your full legal name for the record.**
24 A. Chris Campos.
25 **Q. What is your date of birth?**

1 **CAMPOS**
2 A. August 17, 1929.
3 **Q. Where do you live?**
4 A. 121 Chestnut Street,
5 Englewood Cliffs, New Jersey.
6 **Q. Are you currently employed?**
7 A. Yes.
8 **Q. By whom?**
9 A. The firm of Campos and Stratis,
10 Professional Association.
11 **Q. Are you a principal of that firm?**
12 A. Yes, sir.
13 **Q. Are there any other principals of**
14 **that firm?**
15 A. There are three other shareholders.
16 **Q. How many employees are in the firm?**
17 A. In the New Jersey office,
18 approximately eight.
19 **Q. And firm wide?**
20 A. Oh, another dozen maybe.
21 **Q. Where are your other locations**
22 **besides New Jersey?**
23 A. Salt Lake City and Los Angeles.
24 **Q. Have you ever been deposed before,**
25 **sir?**

Page 6

1 CAMPOS
 2 A. Yes, I have.
 3 Q. Approximately how many times?
 4 A. Over 200, over the years.
 5 Q. So you are a very experienced
 6 witness, correct?
 7 A. Well, all right, you put it that
 8 way, yes.
 9 Q. And what types of different cases,
 10 generally speaking, have you given deposition
 11 testimony?
 12 A. It's involving insurance claims or
 13 litigation between corporations in which I've
 14 testified, okay.
 15 Q. Yes. Let me just give you a brief
 16 review of the deposition ground rules.
 17 A. Yes, sir.
 18 Q. We are here today to get your
 19 testimony and find out the opinions you have
 20 in connection with this case. I'm going to
 21 ask you a series of questions. As the Court
 22 Reporter indicated before we went on the
 23 record, please let me finish the question
 24 before you answer; in order for the Court
 25 Reporter to accurately transcribe my

Page 7

1 CAMPOS
 2 questions and your answers, we must try not
 3 to talk over each other.
 4 Is that okay with you?
 5 A. Yes, sir.
 6 Q. You must give verbal answers, "yes"
 7 or "no," rather than head nods or "um-hum,"
 8 which do not show up on the transcript.
 9 Is that understandable to you?
 10 A. Yes, sir.
 11 Q. If you don't understand a question,
 12 please let me know and I'll try to rephrase
 13 it, otherwise, if you answer I will assume
 14 you understood the question.
 15 Is that okay with you?
 16 A. Yes, sir.
 17 Q. You understand that you are under
 18 oath, and that my client is relying on the
 19 answers you give here today?
 20 Do you understand that?
 21 A. Yes, I do.
 22 Q. Is there anything that would affect
 23 your ability to testify fully and truthfully
 24 here today?
 25 A. No, sir.

Page 8

1 CAMPOS
 2 Q. Are you on any special medications
 3 that may affect your memory?
 4 A. No, sir.
 5 Q. Are you represented by counsel here
 6 today?
 7 A. No.
 8 Q. Mr. Philbrick, who represents the
 9 plaintiff Insituform, may make objections
 10 from time to time, he looks shocked, but he
 11 may, and you understand because you are an
 12 experienced witness and deponent that just
 13 because he makes an objection, you are
 14 supposed to answer the question if you
 15 understand it.
 16 Is that okay with you?
 17 A. Yes.
 18 Q. Unless he instructs you not to
 19 answer. Is that okay?
 20 A. Yes, yes, sir.
 21 Q. Let me ask you a couple general
 22 questions about your educational background.
 23 Did you attend college?
 24 A. Yes.
 25 Q. Where?

Page 9

1 CAMPOS
 2 A. Rutgers University in New Jersey.
 3 Q. Did you graduate?
 4 A. Yes, sir.
 5 Q. When?
 6 A. 1951.
 7 Q. What was your major or degree in?
 8 A. Bachelor of Science in Accounting.
 9 Q. Have you taken any post-graduate
 10 courses?
 11 A. Yes, I did.
 12 Q. Where?
 13 A. Both at Rutgers and New York
 14 University.
 15 Q. When?
 16 A. Shortly after I graduated
 17 undergraduate school.
 18 Q. In 1951?
 19 A. Yes.
 20 Q. In what area of studies did you
 21 take postgraduate level courses?
 22 A. In accounting.
 23 Q. Did you graduate from any of those
 24 graduate programs?
 25 A. No, I did not. My courses were

3 (Pages 6 to 9)

1 CAMPOS
 2 interrupted for service in the Army, and I
 3 never went back.
 4 **Q. So you have no advanced degrees; is**
 5 **that correct?**
 6 A. That's correct.
 7 **Q. Have you taken any other**
 8 **professional continuing education type**
 9 **courses?**
 10 A. Yes, I do.
 11 **Q. Can you describe just generally**
 12 **what those courses entailed?**
 13 A. A variety of continuing
 14 professional education courses that are
 15 required to maintain my license, both
 16 sponsored by either the American Institute of
 17 CPAs, New York Society of CPAs or the
 18 New Jersey Society of CPAs.
 19 I took one last week on fraud,
 20 okay. Whatever, I take them on business
 21 valuations, I take them on litigation
 22 support. When I see them, if they are of
 23 interest to me or if they are things that
 24 would benefit me and my practice, I sign up
 25 for them.

1 CAMPOS
 2 **Q. You mentioned that you have to take**
 3 **these courses in order to maintain your**
 4 **license; is that correct?**
 5 A. Yes.
 6 **Q. Can you tell me what the**
 7 **requirements are for maintaining your license**
 8 **in New Jersey?**
 9 A. It's X number of hours over a three
 10 year period, it varies by state. My
 11 secretary keeps a record of them, when I came
 12 back last week I gave her the certificate
 13 with the four hours and, you know, when it
 14 gets close to the deadline I, you know,
 15 several months before the deadline I look to
 16 see to make sure I comply.
 17 **Q. Understood. Have you taken any**
 18 **continuing education courses in the area of**
 19 **accounting for pipe rehabilitation companies?**
 20 A. I have not. I don't recall ever
 21 seeing one.
 22 **Q. Have you ever taken any continuing**
 23 **education courses on costs related to pipe**
 24 **rehabilitation or trenchless technology?**
 25 A. No, again, I have not taken one in

1 CAMPOS
 2 that specific field, nor have I ever seen one
 3 of those offered specifically for pipe.
 4 **Q. Okay. What is your current**
 5 **occupation?**
 6 A. Well, I'm a Certified Public
 7 Accountant and I'm president of Campos and
 8 Stratis, a Professional Association.
 9 **Q. How long have you been a Certified**
 10 **Public Accountant?**
 11 A. Five years.
 12 **Q. Since 1957?**
 13 A. Actually since in 1956 I think, a
 14 few more years.
 15 **Q. Beginning after you left, was it**
 16 **the Army?**
 17 A. Yes.
 18 **Q. After you left the Army and you**
 19 **graduated from college, could you please tell**
 20 **me generally about your employment history?**
 21 A. Actually I was employed by a firm
 22 then known as Ernst & Ernst.
 23 **Q. Is that after you left the Army?**
 24 A. No. I was working for them upon
 25 graduation, even in an internship program

1 CAMPOS
 2 during my senior year.
 3 **Q. Can I just stop you and ask you**
 4 **when that was?**
 5 A. 1951. And then I was taking the
 6 graduate courses at night, I was interrupt --
 7 my work for Ernst & Ernst was interrupted in
 8 April of '52 to go to the Army, for two
 9 years, where I was in the Army Audit Agency,
 10 and I returned to Ernst & Ernst in 1954.
 11 **Q. And after you returned to**
 12 **Ernst & Ernst in 1954, what was your position**
 13 **then?**
 14 A. I was a staff accountant, and
 15 worked my way up to the point where I was a
 16 partner when I left in 19-- late 1968, early
 17 1969.
 18 **Q. And where did you work for**
 19 **Ernst & Ernst, was it in New York City?**
 20 A. At first it was New York City and
 21 then it was the Newark office. I was one of
 22 a group of six that opened the Newark office
 23 for Ernst.
 24 **Q. And when was that?**
 25 A. '56, something like that.

Page 14

1 CAMPOS

2 Q. You mentioned that you started out

3 as a staff accountant and worked your way up

4 to partner; is that correct?

5 A. Yes.

6 Q. At Ernst & Ernst?

7 A. Yes, sir.

8 Q. When did you become partner at

9 Ernst & Ernst?

10 A. In 1968.

11 Q. While you were at Ernst & Ernst,

12 what were your duties and responsibilities?

13 A. I was on the audit staff, so I

14 conducted and supervised audits of

15 corporations and, at the same time, I was one

16 of a few who were involved in business

17 interruption insurance claims on behalf of

18 our clients, and defensive product liability

19 claims.

20 Q. While you were with Ernst & Ernst,

21 did you specialize in any one industry or

22 another?

23 A. No. I worked on a variety of

24 industries.

25 Q. So for instance, you did not

Page 15

1 CAMPOS

2 specialize in the area of construction, the

3 construction industry; is that correct?

4 A. First of all, if I may put it on

5 the record, we accountants cannot claim we

6 "specialize" in anything because otherwise it

7 would be a self-proclamation of a specialty.

8 We don't have specialties like doctors do,

9 okay.

10 So basically you might say, did I

11 limit my practice to, and the answer is no, I

12 did not, but I did work on construction

13 claims, okay.

14 Q. Okay. Let me take a step back. I

15 didn't mean by using the term "specialized"

16 as a term of art, like a doctor.

17 A. Okay. Right.

18 Q. I meant "focused" by "specialized,"

19 but let me just rephrase it.

20 Did you focus your practice on

21 construction industry claims?

22 A. No, but construction was part of my

23 practice.

24 Q. Okay.

25 A. And just, I just wanted the record,

Page 16

1 CAMPOS

2 I don't want to say that I "specialize"

3 because the profession frowns on it.

4 Q. I understand your concern. You

5 mentioned conducting and supervising audits

6 of corporations, you also mentioned working

7 on business interruption insurance claims and

8 defensive products liability claims.

9 A. Yes, sir.

10 Q. Can you tell me what involvement,

11 while you were at Ernst & Ernst, did you have

12 in working on business interruption insurance

13 claims?

14 A. Well, insurance companies would

15 hire us, and specifically a partner that I

16 worked for at the time, and me, as opposed to

17 the rest of the people in the firm, to

18 represent them in analyzing insurance claims

19 presented by insureds for property damage and

20 business interruption.

21 Q. So did that work involve working as

22 an expert consultant in evaluating damages

23 claims?

24 A. It really involved, in most

25 instances, being a consultant. In very few

Page 17

1 CAMPOS

2 cases did it go to court, okay.

3 Q. I was going to ask. You were

4 anticipating what I was going to ask.

5 A. No, I'm sorry, I wasn't. In other

6 words, in the majority of cases it didn't go

7 to court, okay, it was resolved between the

8 two parties, okay.

9 Q. Right. So you were retained in

10 these cases by insurance companies?

11 A. Yes, sir.

12 Q. For the most part?

13 A. Yes, sir.

14 Q. Did you do any work while you were

15 in Ernst & Ernst in the business interruption

16 insurance area for policyholders or insureds?

17 A. No, sir.

18 Q. And you also mentioned defense of

19 products liability claims?

20 A. Yes, sir.

21 Q. What was your involvement in the

22 defense of products liability claims while

23 you were at Ernst & Ernst?

24 A. An insurance company hired me in

25 particular, as a matter of reference from

5 (Pages 14 to 17)

Page 18

1 CAMPOS
 2 some other office referred them to me, to
 3 defend them in cases where they were involved
 4 in litigation in a products liability claim.
 5 **Q. What kind of services would you**
 6 **provide in the defense of a products**
 7 **liability claim?**
 8 A. Review and analyze the claim made.
 9 Most of those cases were involving defending
 10 Westinghouse, who was an insured of the
 11 insurance company, not solely, but many of
 12 them, okay.
 13 **Q. And what were you analyzing in**
 14 **those cases?**
 15 A. The claim that was made by the
 16 electric utility or whoever was involved.
 17 There are a lot of electric utility cases
 18 where they were claiming that they bought a
 19 generating unit that was supposed to generate
 20 800 megawatts, and was only generating 600,
 21 they would be making a claim for damages for
 22 the difference between the two, and I would
 23 be involved in analyzing those claims, okay.
 24 **Q. Understood. So your involvement in**
 25 **analyzing those claims was analyzing the**

Page 19

1 CAMPOS
 2 **damages of those claims; is that correct,**
 3 **sir?**
 4 A. The damages, yes.
 5 **Q. And you mentioned, I believe, that**
 6 **you left Ernst & Ernst in 1969; is that**
 7 **correct?**
 8 A. Early 1969, yes.
 9 **Q. Okay. Before you left**
 10 **Ernst & Ernst you became a Certified Public**
 11 **Accountant; is that correct?**
 12 A. Yeah, sometime before, yeah.
 13 **Q. What year did you become a CPA?**
 14 A. I think in 1956.
 15 **Q. Can you tell me what you had to do**
 16 **in order to become a CPA?**
 17 A. Well, you had to, before you could
 18 sit before the CPA exam, in those days you
 19 had to have certain courses, college courses,
 20 in auditing, accounting, commercial law,
 21 etc., as a foundation for your sitting, and
 22 you would sit for a two and a half day
 23 examination, four parts, and you'd have
 24 successfully passed those four parts and then
 25 you also needed to have two or three years, I

Page 20

1 CAMPOS
 2 can't recall exactly, of experience with an
 3 accounting firm before you could become a CPA
 4 MR. DESCHENES: Off the record.
 5 (Off-the-record discussion held.)
 6 **Q. You left Ernst & Ernst in 1969 and,**
 7 **at that time, what did you do then?**
 8 A. I started an accounting firm called
 9 Chris Campos CPA.
 10 **Q. And is that the same firm that you**
 11 **are president of and shareholder of today?**
 12 A. Yes. It's the predecessor to, yes.
 13 **Q. Today do you specialize in any**
 14 **area -- strike that, because I know you don't**
 15 **like the word "specialize."**
 16 **Do you focus today on any area of**
 17 **accounting?**
 18 A. Well, first, we do not do
 19 conventional accounting; we do not do audits,
 20 do not do taxes. We are involved only in
 21 insurance claims or litigation support or
 22 involved in lawsuits on behalf of
 23 corporations or individuals.
 24 So all of our work is what they now
 25 call "forensic accounting," which we were

Page 21

1 CAMPOS
 2 doing before they coined the term.
 3 **Q. Why did you leave Ernst & Ernst in**
 4 **1969?**
 5 A. Two opportunities presented
 6 themselves to me, I was not seeking them, but
 7 they were proposed to me, and also Ernst, in
 8 those days, was not interested in the
 9 insurance claims and I was the only one who
 10 was willing to extend himself and put the
 11 extra time and effort into the insurance
 12 claim.
 13 At the beginning of the year each
 14 of us had a list of clients with an estimated
 15 number of hours that you'd spend with each
 16 client, then you'd have the insurance company
 17 with a question mark, so you never knew how
 18 many hours it was going to be, when it was
 19 going to be, I was the only one willing to do
 20 that, they weren't interested in that and
 21 then when these two opportunities presented
 22 themselves I embarked on my own.
 23 **Q. And you mentioned in one of your**
 24 **previous answers that your firm, the Campos**
 25 **firm, does not focus on traditional areas of**

6 (Pages 18 to 21)

1 CAMPOS
 2 accounting, but focuses instead in forensic
 3 accounting or consulting work in the
 4 litigation area, has that always been true
 5 from 1969 to the present day?
 6 A. Yes, sir.
 7 Q. And is "forensic accounting" also
 8 referred to sometimes as "investigative
 9 accounting"?
 10 A. We used to call it "investigative
 11 accounting" before they coined the term, yes.
 12 Q. Well, I noticed in your written
 13 materials it refers to it as "investigating
 14 accounting," so I may use that term; is that
 15 fair?
 16 A. Yes, sir.
 17 Q. So you have been working in the
 18 field of investigative accounting for 30 --
 19 at least in your own firm, for about 38
 20 years; is that correct?
 21 A. My own firm.
 22 Q. Before that, at Ernst & Ernst, part
 23 of your practice was also in the field of
 24 investigative accounting; is that correct?
 25 A. Yes, sir.

1 CAMPOS
 2 Q. Could you briefly describe, and I
 3 think you've done this probably a little bit
 4 in previous answers but let me ask you again,
 5 what generally your firm does in the field of
 6 investigative accounting, what kind of work
 7 do you do?
 8 MR. PHILBRICK: Currently?
 9 MR. DESCHENES: Currently.
 10 A. We're engaged in all cases to
 11 evaluate damages. If we're working for the
 12 defendant, evaluate damages that have been
 13 presented to determine whether they are
 14 reasonable; or if we're working for a
 15 plaintiff, in most instances we're called
 16 upon to prepare a claim and to assert the
 17 damages, okay.
 18 So basically that's our
 19 involvement, it's in the quantification of
 20 the claim.
 21 Q. You mentioned preparing a damages
 22 claim in your answer. Do you do work in any
 23 other area involving insurance claims; in
 24 other words, do you ever provide any expert
 25 services in issues involving liability?

1 CAMPOS
 2 A. You mean --
 3 Q. Do you understand what I mean by
 4 that question?
 5 A. I want to make sure I understand
 6 it.
 7 Q. All right.
 8 A. In other words, in every issue
 9 there's a question of liability and a
 10 question of quantum.
 11 Q. Correct.
 12 A. We rarely get involved in the
 13 liability unless it's accountants malpractice
 14 or something along those lines, okay.
 15 Q. Let me just ask a follow-up
 16 question and make it crystal clear. When I
 17 referred to "liability," I mean does your
 18 firm ever get involved in analyzing whether
 19 there is coverage under a policy?
 20 A. No, sir.
 21 Q. Your firm's role is strictly in
 22 the, as you called it, the quantification of
 23 damages; is that correct, sir?
 24 A. Yes, sir.
 25 Q. And you mentioned in one of your

1 CAMPOS
 2 previous answers that when you are retained
 3 by a defendant often times you will be asked
 4 to determine whether the damages of costs are
 5 reasonable; is that correct, sir?
 6 A. Yes, sir.
 7 Q. And when you are retained by a
 8 plaintiff you will prepare a damages claim
 9 for the plaintiff; is that correct, sir?
 10 A. In most cases, yes.
 11 Q. Is part of your role when you are
 12 retained by a plaintiff in an insurance claim
 13 to determine whether their damages are
 14 reasonable?
 15 A. Well, when we present a claim we
 16 present it objectively and determine that it
 17 is reasonable stated in order to present it,
 18 yes, when we prepare it, yes.
 19 Q. So when you prepare a damages claim
 20 for a plaintiff, you typically will look at
 21 whether the damages are reasonable in the
 22 claim; is that correct, sir?
 23 A. That's right.
 24 Q. And do you do that in all cases?
 25 A. Yes, sir.

1 CAMPOS
 2 Q. Now, I won't use the term
 3 "specialty" again because I know that causes
 4 problems but, as I understand it, the focus
 5 on your practice today is on the evaluation
 6 of insurance claims; is that correct, sir?
 7 A. And litigation.
 8 Q. And other types of litigation?
 9 A. Oh, yeah.
 10 Q. Can you tell me what other types of
 11 litigation, and I'm talking about currently,
 12 I'm not going back in ancient history?
 13 A. Sure, sure. Currently, although
 14 there may be insurance involved, presently
 15 hired by the defense in a subrogation action.
 16 Again, involved in its a four-year
 17 anniversary the other day of a case involving
 18 a shareholder dispute, between a former
 19 president of a company, who is a minority
 20 shareholder, and the corporation that he
 21 worked for, okay.
 22 Get involved in, got one pending
 23 case that's involved with an architect
 24 malpractice case, so those are cases, the
 25 kind of cases that I get involved in, and

1 CAMPOS
 2 occasionally marital disputes, not too many
 3 but occasionally. In other cases where loss
 4 of profits are being claimed by a corporation
 5 because of some action of the alleged
 6 wrongdoing, we get involved in that kind of
 7 thing, okay.
 8 Q. Today what percentage of your cases
 9 involve insurance claims versus non-insurance
 10 matters?
 11 A. Today, as we sit here today, the
 12 insurance is a minor part of it, you go back
 13 a year ago, Hurricane Katrina or whatever, it
 14 was a big part of it, okay. Who knows, after
 15 hurricane season starts, it may be a bigger
 16 percentage again.
 17 Q. Hopefully not, or maybe in your
 18 case hopefully yes.
 19 MR. PHILBRICK: Hopefully not.
 20 We're all in the same boat there.
 21 Q. Today, as we sit here today, it's
 22 not a big percentage of your practice, but
 23 what you are saying, in years past, depending
 24 what you are doing it might be a larger
 25 percentage; is that fair?

1 CAMPOS
 2 A. Over the years it was a larger
 3 percentage, yes.
 4 Q. Okay. Do you currently belong to
 5 any professional societies or associations?
 6 A. Yes, sir.
 7 Q. Can you tell me what professional
 8 societies or associations you belong to?
 9 A. The American Institute of CPAs, the
 10 New York State Society of CPAs and the
 11 New Jersey Society of CPAs. There may be one
 12 or two other. I think Pennsylvania at one
 13 point, but I may have dropped out, I don't
 14 know, but New York and the New Jersey are the
 15 two that I'm involved in.
 16 Q. Are you a member of any other
 17 professional groups or associations?
 18 A. Not actively. Over the years I
 19 have been, but not -- I was a member of the
 20 Certified Fraud Examiners for a while, but I
 21 dropped out; as a condition of continued
 22 membership you had to write articles for them
 23 so they could publish them for a profit, and
 24 I decided I didn't want any part of that,
 25 okay.

1 CAMPOS
 2 Q. Understood. Any other professional
 3 memberships that you can think of?
 4 A. There were several others over the
 5 years, but I'm not active in them anymore,
 6 okay.
 7 Q. Can you remember what those were?
 8 A. Not off the top of my head. I know
 9 that some of them were involved with some
 10 publications that on the editorial advisory
 11 board on those, but again, I'm not active
 12 with those anymore.
 13 Q. Do you currently hold any
 14 professional licenses or designations?
 15 A. Yes. Certified Public Accountant,
 16 yes.
 17 Q. In what states are you a Certified
 18 Public Accountant?
 19 A. New York, New Jersey, Pennsylvania,
 20 Florida, Illinois. I was certified in a few
 21 other states, but I think over the years I've
 22 dropped out, like Texas, Puerto Rico and a
 23 few others, okay. Louisiana for sure.
 24 Q. You are currently licensed there,
 25 sir?

1 CAMPOS
 2 A. Yes, sir.
 3 Q. Do you have any other professional
 4 licenses or designations, other than what
 5 you've testified to?
 6 A. No, sir.
 7 Q. Have you published any articles or
 8 papers in your professional area?
 9 A. Yes, I have.
 10 Q. Have you authored any articles on
 11 topics related to the pipe rehabilitation
 12 industry?
 13 A. Not that specific, no, sir.
 14 Q. Have you ever authored any articles
 15 on topics related to damages claims in the
 16 construction industry?
 17 A. Did you say "profits"?
 18 Q. No. I said "damages claims in the
 19 construction industry."
 20 A. Oh, I thought -- okay. Maybe get
 21 the whole sentence again, please.
 22 (Record read.)
 23 Q. Have you ever authored any articles
 24 related to topics to damages claims in the
 25 construction industry?

1 CAMPOS
 2 A. I may have, but I don't recall.
 3 I've done a lot of work in the construction
 4 industry, I'd have to do some research to
 5 answer that question.
 6 Q. Okay. Maybe you can take a look at
 7 your CV at the break, and we can turn back to
 8 that at some point.
 9 MR. DESCHENES: Let's mark this as
 10 the first exhibit.
 11 (Campos Exhibit 1, document, marked
 12 for identification, as of this date.)
 13 A. Sir, my year and a half working for
 14 the Army Audit Agency, I was doing, I was
 15 auditing cost plus fixed fee contracts, for
 16 construction contractor and for an architect
 17 engineer, that was all I was doing at the
 18 time.
 19 Q. Okay. Did you just get that on the
 20 record, that answer, okay. The Court
 21 Reporter has marked Exhibit 1, which I've
 22 handed to you, I ask you to take a moment to
 23 review it and then I'll ask you a question.
 24 A. Yes, sir.
 25 Q. Is that exhibit in front of you

1 CAMPOS
 2 your curriculum vitae?
 3 A. Yes.
 4 Q. Does it accurately reflect your
 5 education, training and professional
 6 experience that you've previously testified
 7 about?
 8 A. Yes, sir.
 9 Q. Is there anything in here that you
 10 would like to update or change?
 11 A. With respect to the publications,
 12 as it sets forth in the first sentence, these
 13 are the publications preceding ten years, and
 14 says prior.
 15 Q. Right.
 16 A. This is I do not believe a complete
 17 list of what I've done over the years, okay.
 18 And these were the articles that were
 19 published in magazines or mainly outside
 20 publications. In addition to that I authored
 21 articles that were given at seminars that
 22 either my firm conducted or I was part of
 23 that some organization conducted.
 24 Q. With those qualifications in mind,
 25 is this Exhibit 1 true and complete today?

1 CAMPOS
 2 A. Yes.
 3 Q. Mr. Campos, is it fair to say that
 4 your area of expertise is primarily in the
 5 area of accounting?
 6 A. Yes.
 7 Q. Is it fair to say that your area of
 8 expertise is limited to accounting?
 9 A. I think no. I think it's business
 10 in general, accounting and specific. I've
 11 had experience in the business world, it's
 12 not just limited to the accounting aspects.
 13 Q. Are there any other areas where you
 14 would consider yourself qualified as an
 15 expert to testify?
 16 A. There may be, but I can't off the
 17 top of my head come up with one right now.
 18 Q. Do you consider yourself qualified
 19 as an expert on trenchless or cured in place
 20 pipe technology?
 21 A. No, sir. Not that specific, no.
 22 Q. Do you consider yourself an expert
 23 on costs associated with trenchless
 24 technology?
 25 A. With respect to costs in general,

Page 34

1 CAMPOS
 2 which would include trenchless technology and
 3 other technologies.
 4 Q. So is the answer to that question
 5 "yes" --
 6 A. Yes.
 7 Q. -- you do consider yourself an
 8 expert in the area of cost associated with
 9 trenchless technology?
 10 A. Yes, as a subpart of costs, as a
 11 general category.
 12 Q. But you do not consider yourself an
 13 expert on trenchless or cured in place
 14 technology; is that correct?
 15 A. That's right. I answered that
 16 question earlier, I think.
 17 Q. Right. Do you consider yourself
 18 qualified as an expert to testify about the
 19 repairs made to the pipeliner in this case?
 20 A. With respect to the out-of-pocket
 21 costs involved in this case, whether they
 22 were repair or replacement, whatever they
 23 might be, yes.
 24 Q. Okay. My question was slightly
 25 different than that, and that is this, do you

Page 35

1 CAMPOS
 2 consider yourself qualified as an expert to
 3 testify and give opinions about the kind of
 4 repairs that were required to be made to the
 5 pipeliner in this case?
 6 A. The kind of repairs?
 7 Q. That's correct.
 8 A. Not the kind, no; the
 9 quantification of such out-of-pocket costs,
 10 yes.
 11 Q. Right. My question goes to, do you
 12 consider yourself qualified as an expert to
 13 talk about the methodology of how they went
 14 about repairing the pipe in this case?
 15 A. No, sir.
 16 Q. And you have no opinion one way or
 17 the other about whether the methods they used
 18 in repairing this pipe were good, bad or
 19 indifferent; is that correct?
 20 A. The scientific or technical
 21 methods, I have no opinion on that, no.
 22 Q. Do you have any professional
 23 designations in the field of evaluating
 24 damages, sir?
 25 A. No. I'm not aware that there are

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1 CAMPOS
 2 any specific designations of that sort.
 3 Q. And you are not a lawyer; is that
 4 correct?
 5 A. No, sir, I'm not a lawyer.
 6 Q. And you don't consider yourself
 7 qualified to give legal opinions; is that
 8 correct?
 9 A. That's correct, and I don't give
 10 them.
 11 Q. Fair enough. Have you ever been
 12 disqualified as an expert in any case?
 13 A. No, sir.
 14 Q. Have you ever been precluded from
 15 offering opinion testimony in any case?
 16 A. No, sir.
 17 MR. DESCHENES: Off the record for
 18 a moment.
 19 (Recess taken 10:16 until 10:21.)
 20 Q. Before we took that brief break, I
 21 was asking you some questions about your
 22 areas of expertise. Do you recall that?
 23 A. Yes, sir.
 24 Q. And I asked you whether
 25 specifically your area of expertise was

Page 37

1 CAMPOS
 2 limited to accounting, and I believe you
 3 answered that it was not, that you also
 4 consider yourself an expert in business, as
 5 well; is that correct?
 6 A. Yes.
 7 Q. Can you tell me what areas of
 8 business you feel that you believe that you
 9 are qualified as an expert in?
 10 A. Well, I think the best way I can
 11 answer that is depending on the specific
 12 circumstance as it arises, I can determine
 13 that, okay.
 14 When I first left Ernst I worked
 15 for four, five year period as a chief
 16 financial officer of American Stock Exchange
 17 Company and had my accounting practice at the
 18 time, so I was involved in the business
 19 world, and while I was with Ernst & Ernst in
 20 the business world, so I got to know and get
 21 involved in things that I'm, you know,
 22 familiar with and, I would say, in certain
 23 areas would be an expert in, but I would want
 24 to see the facts and circumstances behind
 25 each one before I say that I'm able to opine

10 (Pages 34 to 37)

1 CAMPOS
 2 on something, okay. I won't do that in the
 3 broad sense, okay.
 4 **Q. Understood. So by your previous**
 5 **answer you didn't mean to say that you**
 6 **consider yourself an expert in the business**
 7 **of any field; is that correct, sir?**
 8 A. Of a particular industry you mean?
 9 **Q. Yes.**
 10 A. No. Although I have, as I said,
 11 done a lot of work in many industries and I
 12 would consider myself an expert in certain
 13 facets of the industry, okay, of that
 14 particular industry, okay.
 15 **Q. Okay. Fair enough. You mentioned**
 16 **just something in your answer that I didn't**
 17 **get in previous questions, and that is, any**
 18 **other jobs that you may have had; you**
 19 **mentioned you were a chief financial officer**
 20 **for a company, for five years, for a company**
 21 **after you left Ernst & Ernst, when was that?**
 22 A. At the same time I was doing my
 23 accounting practice. It was in Teaneck,
 24 New Jersey.
 25 **Q. What was the name of the company?**

1 CAMPOS
 2 A. It was called The Garcia Company,
 3 G-A-R-C-I-A, Corporation, Sporting Goods
 4 company that was a distributor and
 5 manufacturer, fishing tackle, skis, rifles,
 6 tennis equipment, you name it, okay.
 7 **Q. And you were the chief financial**
 8 **officer of that company from 1969 to 1947; is**
 9 **that correct?**
 10 A. Not the entire time. I was
 11 assistant treasurer and then became
 12 treasurer. I was on the board of directors.
 13 **Q. So you were employed by this**
 14 **company, the Garcia Corporation, from 1969 to**
 15 **1974, in the capacities that you just**
 16 **testified to?**
 17 A. 1975, yeah. And when I said
 18 earlier about "opportunities," I was asked by
 19 them to join them and help them go public.
 20 They were an Ernst client, that was one of
 21 the opportunities that presented itself.
 22 **Q. Okay. Are there any other --**
 23 **strike that. I asked you questions about**
 24 **your employment history. Are there any other**
 25 **jobs that you've had from 1969 on, that you**

1 CAMPOS
 2 **have not testified to today?**
 3 A. No, sir.
 4 **Q. How frequently have you testified**
 5 **as an expert witness?**
 6 A. It varies. I don't recall when the
 7 last one was, it was a couple months ago.
 8 More in the past than now, you know, but I
 9 have scheduled a deposition next week
 10 sometime -- next month sometime. There may
 11 be others, it will come up as the cases
 12 approach trial.
 13 **Q. You've testified more in the past**
 14 **than now as an expert witness; is that**
 15 **correct?**
 16 A. On a more frequent basis.
 17 **Q. "On a more frequent basis." How**
 18 **much of your revenue is derived from being**
 19 **retained as an expert in litigation?**
 20 A. It's less than 50 percent. I don't
 21 know percentage-wise, but it's less than 50
 22 percent.
 23 **Q. Was it more in the past?**
 24 A. No. It wasn't more in the past, it
 25 was just there were more, more cases you

1 CAMPOS
 2 know.
 3 **Q. Do you typically testify as an**
 4 **expert for one side, for only one side?**
 5 A. No, sir.
 6 **Q. And by that, you understand I'm**
 7 **talking about plaintiff or defendant?**
 8 A. I understand. I do not typically
 9 testify for either the defendant or the
 10 plaintiff.
 11 **Q. Or let me rephrase that. In the**
 12 **context of an insurance claim, which is what**
 13 **we are talking about here today, do you only**
 14 **testify for policyholders?**
 15 A. No, sir.
 16 **Q. You also testify on behalf of**
 17 **insurance companies; is that correct?**
 18 A. Yes, sir.
 19 **Q. In the context of insurance**
 20 **litigation; is that correct, sir?**
 21 A. That's correct. Just last year,
 22 testified two or three times in connection
 23 with first-party property claims, yes,
 24 resulting from 9/11 and resulting from
 25 hurricanes.

Page 42

1 CAMPOS

2 **Q. Do you recall what insurance**

3 **companies retained you in the 9/11 and**

4 **hurricane claim cases?**

5 A. It was Hartford I believe, okay,

6 and Sorema was another one.

7 **Q. How do you spell that?**

8 A. S-O-R-E-M-A. Hartford on a couple

9 occasions.

10 **Q. For both 9/11 and hurricane claims?**

11 A. Yes. I guess years ago, when I was

12 in college my professor told me that don't

13 try to remember everything, but just know

14 where to go to get the information, so I

15 don't try to cram my mind with all these

16 facts, but I know where to go to get it, but

17 those are the two that that come to mind, but

18 there's others, okay.

19 **Q. That's fair enough. I'm just**

20 **asking for your best memory here today.**

21 **Have you ever turned down a**

22 **proposed engagement, sir?**

23 A. Yes.

24 **Q. When was the last time you turned**

25 **down a proposed engagement?**

Page 43

1 CAMPOS

2 A. About two weeks ago, I was asked to

3 do something by an insurance consultant and I

4 didn't want to do it, okay, and I referred it

5 to someone else, okay.

6 **Q. Is the reason why you didn't want**

7 **to do it is because you felt you could not**

8 **give the opinion that they were seeking in**

9 **that case?**

10 A. No, no. It was he was representing

11 a policyholder and I didn't want to represent

12 the policyholder, okay.

13 **Q. All right. Understood. The 9/11**

14 **claims and hurricane claims that you**

15 **testified about involving first-party**

16 **property damage, in both categories were you**

17 **retained to testify about damages?**

18 A. Yes, principally. Also profits,

19 business interruption.

20 **Q. So in both categories, "both**

21 **categories," 9/11 claims and hurricane**

22 **claims, they were business interruption**

23 **cases; is that correct?**

24 A. Business interruption, but there

25 were elements of property damage also now

Page 44

1 CAMPOS

2 that I recall, okay, and I get involved in

3 both.

4 **Q. And who was your client in this**

5 **case?**

6 A. Mr. Philbrick through Insituform.

7 **Q. How are you being compensated in**

8 **this case?**

9 A. On an hourly basis.

10 **Q. Is your arrangement in writing?**

11 A. I believe so.

12 **Q. Do you recall whether it was**

13 **reduced to some sort of written engagement,**

14 **sir?**

15 A. I said I believe it was.

16 **Q. Okay. And you are charging an**

17 **hourly rate; is that correct, sir?**

18 A. Yes, sir.

19 **Q. Do you charge a different hourly**

20 **rate depending on the kind of work that you**

21 **are doing?**

22 A. Either on the kind -- not the kind

23 of work, but where a particular client might

24 charge slightly different rates, okay.

25 **Q. Well, what I was driving at before**

Page 45

1 CAMPOS

2 **is, do you charge a different rate for**

3 **testifying versus doing document review?**

4 A. No, sir.

5 **Q. You charge the same rate for both**

6 **activities, sir?**

7 A. My activity, yes.

8 **Q. What rate are you charging**

9 **Insituform in this case?**

10 A. I believe it's 300 an hour.

11 **Q. Is anybody else from your firm also**

12 **involved in this engagement?**

13 A. Yes.

14 **Q. Who is that?**

15 A. A young woman by the name of

16 Meghan, M-E-G-H-A-N, Siri, S-I-R-I, Callen,

17 C-A-L-L-E-N, the middle name is her maiden

18 name and she was married in the past year,

19 so.

20 **Q. Her last name is, again, I'm sorry?**

21 A. Callen, C-A-L-L-E-N.

22 **Q. Is she also a CPA?**

23 A. Yes, sir.

24 **Q. How long has she been with your**

25 **firm?**

12 (Pages 42 to 45)

Page 46

1 CAMPOS
 2 A. Ten years, eleven years, something
 3 like that.
 4 Q. Is she a partner?
 5 A. Yes.
 6 Q. And what rate is she charging
 7 Insituform for her work?
 8 A. I do not recall. It's in the \$150,
 9 \$175 rate.
 10 Q. Do you charge a different rate for
 11 testifying at trial than depositions?
 12 A. No, sir.
 13 Q. Do you know how much you've charged
 14 for your fees to date in this case?
 15 A. No, I do not.
 16 Q. Do you know what your projected
 17 fees and work will be in this case going
 18 forward?
 19 A. No, no, I do not, okay.
 20 Q. And are you being paid for your
 21 testimony here today?
 22 A. I'm being paid for my time.
 23 Q. Okay. What are you being paid?
 24 A. At the hourly rate that I just
 25 testified to.

Page 47

1 CAMPOS
 2 Q. Do you have any interest in the
 3 outcome of this litigation?
 4 A. No, sir.
 5 Q. Are you being paid or compensated
 6 in any other way for your time here today,
 7 other than what you previously testified to?
 8 A. Just my time, that's all.
 9 Q. At \$300 an hour?
 10 A. Yes, sir.
 11 Q. Approximately how often have you
 12 been deposed in the last five years?
 13 A. Either deposed or testified at
 14 trial, I'd say maybe 30 times or so, maybe
 15 more.
 16 Q. And the 30 times would include both
 17 deposition testimony and trial testimony,
 18 sir?
 19 A. Yes, sir.
 20 Q. Do you have any understanding today
 21 of the breakdown between trial testimony and
 22 deposition testimony in the last five years?
 23 A. No, I don't. Most of it is
 24 deposition testimony.
 25 Q. And of those cases, do any of them

Page 48

1 CAMPOS
 2 involve insurance?
 3 A. Oh, yes.
 4 Q. Approximately how many cases
 5 involve insurance?
 6 A. Well, either directly or
 7 indirectly, the majority of the cases would
 8 involve insurance.
 9 Q. And in the last five years, have
 10 you testified in any cases that involved
 11 issues similar to the issues in this case?
 12 A. Well, when I say -- when you say
 13 "issues in this case," I look at the issues
 14 I'm involved in as the quantification itself
 15 and, yes, I have testified as to the
 16 quantification of what I will call
 17 "out-of-pocket expenditures."
 18 Q. Did any of the cases in the last
 19 five years involve a claim involving pipe
 20 rehabilitation like this case?
 21 A. I don't recall any, no. I can't
 22 recall.
 23 Q. Did any of the cases that you've
 24 testified in the last five years involve
 25 quantification of out-of-pocket expenditures

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1 CAMPOS
 2 in a construction claim?
 3 A. I'm trying to recall, I was
 4 involved in a construction, in a corporation
 5 that was in a construction business, trying
 6 to recall whether it was out-of-pocket costs
 7 or not, I don't recall. I have one case
 8 that's pending, the one that I told you about
 9 that was a malpractice case, that one of the
 10 qualifications they were seeking was someone
 11 who had construction experience, and I met
 12 that qualification and I was engaged by three
 13 defendants in that case.
 14 Q. You said the malpractice case, is
 15 that the architectural malpractice case you
 16 testified to previously?
 17 A. Yeah, the case is just starting,
 18 okay.
 19 Q. Do you remember the name of it?
 20 A. Well, the plaintiff is
 21 David Anthony Construction Company, okay,
 22 it's venued in New Jersey.
 23 Q. New Jersey Superior Court?
 24 A. As I said, the case is started, I
 25 assume it's the Superior Court.

13 (Pages 46 to 49)

1 CAMPOS
 2 Q. And you've been recently engaged in
 3 testify in this case?
 4 A. Yes.
 5 Q. And in part you were engaged, you
 6 believe, because of your construction
 7 industry experience?
 8 A. It was definitely a condition. The
 9 one attorney who recommended me asked me
 10 questions, and I gave him -- I sent him a
 11 letter, I believe, telling him my experience,
 12 starting back in the Army audit Agency days,
 13 and other construction cases that I've worked
 14 on over the years.
 15 Q. Have you produced a report in that
 16 case yet, sir?
 17 A. No. It hasn't even started yet.
 18 Q. So I assume you haven't testified
 19 in that case yet?
 20 A. Oh, no.
 21 Q. Of the 30 some-odd cases that
 22 you've testified in, in the last five years,
 23 what percentage of those cases did you
 24 testify on behalf of an insurance company?
 25 A. I don't really quantify my cases

1 CAMPOS
 2 that way, but I would estimate that it would
 3 be somewhere between 30 and 50 percent, okay.
 4 Q. The same question, what percentage
 5 of cases in the last five years have you
 6 testified on behalf of policyholders in an
 7 insurance claim or litigation?
 8 A. I would say maybe 15, 20 percent.
 9 Q. You mentioned your partner
 10 Ms. Callen was involved in this particular
 11 case; is that correct?
 12 A. Yes, sir.
 13 Q. Can you tell me what her role has
 14 been in this particular case?
 15 A. She assisted me in all aspects of
 16 the case and worked under my direct
 17 supervision.
 18 Q. Does she also testify from time to
 19 time as an expert witness in cases?
 20 A. On a few instances, yes.
 21 Q. Do you know how many hours she's
 22 put into this engagement?
 23 A. No, sir.
 24 Q. Is there any way you could
 25 determine that?

1 CAMPOS
 2 A. My records in my office, yeah.
 3 Q. And relatively speaking, you may
 4 not know the answers, but has she put in more
 5 time into this matter than you or less time?
 6 A. She would most likely more time
 7 than me.
 8 MR. DESCHENES: Let's mark this
 9 next.
 10 (Campos Exhibit 2, document, marked
 11 for identification, as of this date.)
 12 Q. Mr. Campos, could I direct your
 13 attention to what has been marked as Campos
 14 Exhibit 2, and just ask you to take a moment
 15 to review that document, and I'll ask you
 16 some questions, sir.
 17 A. Yes, sir.
 18 Q. Do you recognize that document?
 19 A. Yes, I do.
 20 Q. What is it?
 21 A. It's the cases in which I've
 22 testified at trial or been deposed in the
 23 last four years.
 24 Q. Was this list accurate and complete
 25 at the time it was created?

1 CAMPOS
 2 A. Yes, sir, to the best of my
 3 knowledge.
 4 Q. I believe this list was a part of a
 5 production in May of 2006. Has this been
 6 updated since May of 2006?
 7 A. It should have been, yes. May
 8 2006?
 9 Q. Well, that's the date of your
 10 report.
 11 A. Okay. I believe there have been
 12 depositions since then but, if are not here,
 13 they should be updated in the office.
 14 MR. DESCHENES: Okay. Charlie, if
 15 it's not too much trouble, could I get
 16 an updated list from Mr. Campos.
 17 MR. PHILBRICK: Sure.
 18 MR. DESCHENES: And also, I would
 19 like to request the agreement that he's
 20 made in his written engagement with your
 21 firm.
 22 MR. PHILBRICK: I will take that
 23 under advisement. I would assume it's
 24 already in the production that you have.
 25 MR. DESCHENES: It's not. I don't

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1 CAMPOS
 2 think it is. I went through his -- we
 3 don't need to have a prolonged
 4 discussion on the record, but I didn't
 5 find it in the documents produced to us.
 6 A. I said I believe so. If it is,
 7 I'll get it.
 8 Q. Sure. That's up to your counsel,
 9 he's taken it under advisement. I just want
 10 to make the request on the record.
 11 Do you have transcripts of your
 12 testimony in all of these cases that are
 13 listed here?
 14 A. I would have or should have with
 15 respect to the depositions, not necessarily
 16 with respect to trial testimony.
 17 Q. Okay. It appears to list about 30
 18 cases here. Can you tell me what cases
 19 involve trial testimony?
 20 A. Well, I believe Weiss versus Ferro,
 21 PSG versus SKW Real Estate.
 22 Q. You are just reading from the first
 23 page, right?
 24 A. From the caption.
 25 Q. The caption on the first --

Page 55

1 CAMPOS
 2 A. On the first column.
 3 Q. We're on the first page though,
 4 right?
 5 A. Yes, sir.
 6 Q. Okay.
 7 A. Egber versus Egber.
 8 Q. All three of those cases involve
 9 trial testimony, sir?
 10 A. Yes, sir. To the best of my
 11 recollection, yes. I'm not sure about the
 12 other two on the first page.
 13 Q. Okay. Moving on to the second
 14 page.
 15 A. Second page, when you get down --
 16 I'm not sure of the ones preceding the one
 17 I'm going to testify as to now, RSR
 18 Corporation versus AIU Insurance was trial
 19 testimony. Estate of James Bastek was trial
 20 testimony. Swan International, I think was
 21 trial.
 22 Q. Before you go on to the next page,
 23 sir.
 24 A. Yes, sir.
 25 Q. You mentioned the "RSR Corporation"

Page 56

1 CAMPOS
 2 case.
 3 A. Yes.
 4 Q. And in that case there's an
 5 insurance company mentioned.
 6 A. Yes.
 7 Q. "AIU Insurance Company"?
 8 A. Yes.
 9 Q. Did you testify in that case on
 10 behalf of the insurance company or
 11 policyholder?
 12 A. Insurance company.
 13 Q. And what was the nature of that
 14 case?
 15 A. It was a claim for environmental
 16 cleanup and my role was evaluating the
 17 damages.
 18 Q. It was a super fund type case?
 19 A. In a sense, yes.
 20 Q. Your role was evaluating the
 21 remediation cost claim by the policyholder?
 22 A. Yes, on behalf of AIU. Next page.
 23 Q. One more question about the AIU
 24 case. Was part of your role in evaluating
 25 whether the remediation costs were reasonable

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1 CAMPOS
 2 and necessary?
 3 A. Well, reasonable yes, necessary,
 4 yes. There's another one of those cases for
 5 that particular attorney, that's pending
 6 right now.
 7 Q. You are talking about another case
 8 for Robert E. Rider at Jackson and Campbell,
 9 sir?
 10 A. Yes, he was representing insurance
 11 companies and I believe including an AIG
 12 company, okay.
 13 Q. Okay.
 14 A. I don't recall the first two,
 15 whether I testified at trial or not, but I
 16 know --
 17 Q. We're on to the third page, are we
 18 not, sir?
 19 A. Third page, where it says "Solution
 20 F" on top?
 21 Q. Yes. I just want the record to be
 22 clear.
 23 A. Yes. The Liverpool Club Corp.
 24 Versus Wausau.
 25 Q. You believe that case involved

15 (Pages 54 to 57)

1 CAMPOS
 2 trial testimony?
 3 A. Yes, sir.
 4 Q. And in that case did you testify on
 5 behalf of --
 6 A. Liverpool.
 7 Q. Let me back up, ask you what was
 8 the nature of that case, if you recall?
 9 A. I don't recall the specifics of the
 10 case, but I did testify on behalf of
 11 Liverpool Club, okay.
 12 Q. Against Wausau Insurance Company?
 13 A. Yes, sir, in a limited role, okay.
 14 Q. Anything else in terms of trial
 15 testimony on that page?
 16 A. I'm trying to recall, sir. I don't
 17 believe any more trial testimony.
 18 Q. On page three?
 19 A. On page three, on the last page,
 20 the only other trial testimony that I can
 21 recall being trial testimony was the
 22 Mount Nittany Inn case, next to the last one.
 23 Q. What did that case involve?
 24 A. It involved the Hotel Mount Nittany
 25 Inn making a claim against, I think it was a

1 CAMPOS
 2 subrogation claim, and I was representing the
 3 defendant.
 4 Q. Who was the defendant in that case?
 5 A. Well, Swartz Fire and Safety and
 6 possibly Richard Benner, but I definitely
 7 represented the defendant.
 8 Q. Do you remember what the case was
 9 about?
 10 A. It was a fire that occurred, and
 11 they were suing to recover the loss of
 12 profits and some of the out-of-pocket
 13 expenditures.
 14 Q. Were they suing a defendant they
 15 believe that was responsible for causing the
 16 fire?
 17 A. That was their claim, yes.
 18 Q. And your engagement involved
 19 quantifying the alleged damages in the case?
 20 A. Yes, sir.
 21 Q. In that case you were
 22 representing -- you were retained by
 23 defendant; is that correct?
 24 A. Yes, sir.
 25 Q. And what was your role in

1 CAMPOS
 2 quantifying the damages in that case?
 3 MR. PHILBRICK: Object to form.
 4 The witness may answer if he can.
 5 A. Looking at, analyzing the damages
 6 that were claimed to determine if they were
 7 reasonable.
 8 Q. Anything else?
 9 A. Reasonable and necessary.
 10 Q. Okay.
 11 A. That's essentially it, okay.
 12 Q. Did the remaining cases, we've been
 13 through this entire list, involve your
 14 deposition testimony only?
 15 A. To the best of my recollection,
 16 sir, yes.
 17 Q. Of these cases listed on Exhibit 2,
 18 which cases involved insurance coverage
 19 claims?
 20 A. Page two, the RSR Corporation case
 21 was definitely insurance.
 22 Q. Okay.
 23 A. Swan International was, I believe,
 24 a captive insurance company.
 25 Q. And that's on page two, as well?

1 CAMPOS
 2 A. The bottom of page two, yes, sir.
 3 The Liverpool case on page three, the AJM
 4 Meat Packing case on page three, the
 5 Traveler's case on page three, Double O Meat
 6 Market case on page four, St. Paul case on
 7 page four, Lava Trading on page four,
 8 Mount Nittany Inn and the Landec Corporation
 9 versus Sorema on page four.
 10 Q. There's Sorema. On page four, at
 11 the top, you mention the All American
 12 Insurance Company case?
 13 A. Yes.
 14 Q. In that case were you retained by
 15 the insurance company or the policyholder?
 16 A. Insurance company.
 17 Q. And in the Lava Trading case, were
 18 you retained by the insurance company or the
 19 policyholder to testify?
 20 A. The insurance company, by Hartford.
 21 Q. And in the Landec Corporation
 22 versus Sorema, you were retained there also
 23 by Sorema; is that correct?
 24 A. Yes, sir.
 25 Q. Did any of the cases listed here

1 CAMPOS
 2 involve the valuation of damages for
 3 construction cost?
 4 A. Solely construction costs or
 5 construction company, none that I can recall,
 6 but there would be in several of these cases,
 7 there would be property damage, out-of-pocket
 8 expenditures that would have been incurred,
 9 that I was involved in quantifying.
 10 Q. Okay. And by "property damage
 11 expenditures," are you talking about costs to
 12 repair property damage, sir?
 13 A. Repair or replace, yes.
 14 Q. Did any of the cases listed here
 15 involve costs related to repair and
 16 replacement of a pipeliner?
 17 A. I don't believe so.
 18 Q. Have you ever testified before in
 19 any case at any time about the costs related
 20 to repair and replacement of a pipeliner?
 21 A. I don't recall, sir.
 22 Q. Approximately do you know how many
 23 damages reports you've produced in the last
 24 five years?
 25 A. I would estimate in the last five

1 CAMPOS
 2 years over 80, over 100, somewhere in there.
 3 Q. Okay.
 4 A. That I was involved in personally,
 5 okay.
 6 Q. Understood. When were you first
 7 contacted about this case?
 8 A. I believe in either late May or
 9 early June of 2005.
 10 Q. Who contacted you?
 11 A. Mr. Philbrick.
 12 Q. Do you recall what he said in the
 13 first conversation with you?
 14 A. Well, he asked me to -- that he had
 15 a case that he wondered whether I could
 16 assist him in, in which his client had
 17 prepared a claim, and that my job was to
 18 analyze and review the claim from the point
 19 of view of an accountant experienced in
 20 working on behalf of insurance companies, to
 21 see whether it was reasonable, reasonably
 22 stated.
 23 Q. Do you recall what he told you
 24 about the case at that time, and I'm talking
 25 about the initial contact?

1 CAMPOS
 2 A. Well, I think he described the
 3 background of the case and that it would
 4 involve out-of-pocket costs, you know.
 5 Q. What did he tell you about the
 6 factual background of the case?
 7 A. You know, involving the pipe in
 8 Massachusetts and so forth, what was set
 9 forth in the first couple of paragraphs of my
 10 report.
 11 Q. Did he explain any of the legal
 12 issues in the case?
 13 A. Not that I can recall, no.
 14 Q. Do you recall whether he said
 15 anything else to you about the case in your
 16 initial conversation with him?
 17 A. I don't recall.
 18 Q. And what did you say in response in
 19 terms of being retained in the case?
 20 A. That I believe I could assist him.
 21 Q. Did you make any notes of your
 22 conversation with Mr. Philbrick?
 23 A. I don't believe I did, no.
 24 Q. In your practice do you typically
 25 make notes of telephone conversations, sir?

1 CAMPOS
 2 A. Not normally other than, you know,
 3 the name of the person who might call and the
 4 telephone number, not any substantive notes,
 5 no.
 6 Q. I take it from your answer, it's
 7 not your practice to do memos to the file of
 8 telephone conversations?
 9 A. No, sir, it's not my practice.
 10 Q. As a result of this initial
 11 contact, were you retained as an expert
 12 witness in this case?
 13 A. Yes, sir.
 14 Q. By whom were you retained?
 15 A. By Insituform, Mr. Philbrick.
 16 MR. DESCHENES: Let's mark this
 17 next, Exhibit 3.
 18 (Campos Exhibit 3, document, marked
 19 for identification, as of this date.)
 20 Q. Sir, you've been handed what has
 21 been marked as Campos Exhibit 3, and I ask
 22 you to take a moment to review the document
 23 and then I'll ask you questions.
 24 A. Yes, sir.
 25 Q. Do you recognize this document,

1 CAMPOS
 2 sir?
 3 A. Yes.
 4 Q. What is it?
 5 A. It's a letter from Mr. Philbrick to
 6 me, dated June 7, 2005, thanking me for
 7 returning his call, and confirming that he
 8 has retained me as a consulting expert in
 9 connection with the above captioned lawsuit.
 10 Q. Do you recall receiving this
 11 letter, sir?
 12 A. Yes, sir.
 13 Q. And is this among the documents
 14 from your file produced in this case?
 15 A. It appears as though it is, yes.
 16 Q. And you know that from looking at
 17 the Bate Stamp No. down in the bottom
 18 right-hand corner, sir?
 19 A. Yes, sir.
 20 Q. And this letter is dated June 7,
 21 2005, and Mr. Philbrick says to you, in the
 22 first line, "thank you for returning my call
 23 this morning."
 24 Was this on or about the first
 25 conversation -- strike that.

1 CAMPOS
 2 Does this letter memorialize when
 3 you had your first conversation with
 4 Mr. Philbrick?
 5 A. Well, this, I believe this is the
 6 first, but it could have been the second, I
 7 don't know. I believe I opened the file the
 8 next day, okay.
 9 Q. And after being retained as an
 10 expert what, if anything, were you asked to
 11 do?
 12 A. Well, I was provided with
 13 Insituform's claim submission, which were
 14 several three or four binders, maybe only two
 15 binders, something like that, of the claim
 16 submission, voluminous documents, and I was
 17 asked to review them.
 18 Q. Were you asked to review the claim
 19 documents to ensure that the claim costs were
 20 adequately supported by documentation?
 21 A. By documentation and/or reasonable
 22 in the context of an insurance claim and from
 23 the viewpoint of an accountant who normally
 24 represents insurance companies.
 25 Q. Were you asked to determine what

1 CAMPOS
 2 costs would be recoverable under the
 3 American Home policy?
 4 A. I don't know specifically whether
 5 the word "recoverable" was part of the
 6 conversation, but by inference, yes.
 7 Q. And you mentioned that you were
 8 provided with Insituform's claim submission
 9 which was two to four binders of documents,
 10 sir?
 11 A. Yes, I believe it was a couple of
 12 binders of documents, yes.
 13 Q. And did you have any understanding
 14 about where those documents came from?
 15 A. I understood they came from
 16 Insituform, that Insituform personnel had
 17 prepared them.
 18 Q. Did you have any understanding that
 19 Insituform had prepared those documents for
 20 submission to another insurance company?
 21 A. To, when you say "another"?
 22 Q. Other than my client, American Home
 23 Assurance Company.
 24 A. I understood that they had prepared
 25 it for submission to both insurance

1 CAMPOS
 2 companies, as I understood it.
 3 Q. And I asked you about whether you
 4 were asked to look at whether the costs were
 5 recoverable under the American Home policy,
 6 and you said that those words weren't used,
 7 but by inference that's what you were asked
 8 to do; is that correct, sir?
 9 A. I wasn't sure whether that specific
 10 word was used, but by inference that's what I
 11 was asked to do, yes.
 12 Q. How did you go about determining
 13 whether the costs were recoverable under the
 14 American Home policy?
 15 A. By reviewing the documentation that
 16 was submitted in a manner that I would do if
 17 I were representing a carrier.
 18 Q. Were you asked to look at the
 19 specific policy language, sir?
 20 A. No, I was not asked to look at the
 21 specific policy language, other than the
 22 reference to actual costs that appears in the
 23 policy.
 24 Q. And in what policy does that
 25 language appear, sir?

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1 CAMPOS
 2 A. I think I looked at the Liberty
 3 policy but, again, I don't interpret
 4 policies, you've got to be licensed to do
 5 that and I'm not licensed to interpret
 6 policies, but by custom and practice I know
 7 what's to be included in a claim of this
 8 sort, okay.
 9 Q. But you would agree that as part of
 10 your retention here, you were not asked to
 11 look at whether there was coverage under the
 12 policy; is that correct?
 13 A. I was not asked to determine
 14 whether there was any coverage under the
 15 policy. If I were asked to do that, I would
 16 decline to do it because I'm not qualified to
 17 do that. I'm not licensed to do that.
 18 Q. Understood. And you testified you
 19 looked at the words "actual cost" in the
 20 Liberty Policy, you remember looking at that;
 21 is that correct, sir?
 22 A. Yes.
 23 Q. Do you recall focusing in on any
 24 other language in either the Liberty Mutual
 25 policy at issue in this case or the

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1 CAMPOS
 2 American Home policy involved in this case?
 3 A. Later on my attention was focused
 4 to the reference to the Liberty policy when I
 5 read, I believe, one of your memoranda or
 6 cross motion, or whatever, where you refer to
 7 policy language, and at that point when I
 8 read that I referred to the policy.
 9 Q. Okay. And do you recall
 10 specifically what policy language you were
 11 referred to?
 12 A. It was where the insureds are
 13 entitled to recover the lesser of two
 14 specific repairs. I don't know the specific
 15 language off the top of my head, but it
 16 referred to the policy with respect to the
 17 memorandum that you prepared and I was
 18 focused in, in that instance, to the policy,
 19 okay.
 20 Q. You are referring to the Liberty
 21 policy, once again, are you not, sir?
 22 A. Yes, I believe. Yes, I believe
 23 that was the memoranda that referred to that
 24 policy, yes.
 25 Q. Okay. Then is it fair to say as

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1 CAMPOS
 2 part of your engagement in this case, you
 3 have not focused at all on any of the
 4 language in the American Home policy?
 5 A. No. I looked at the American Home
 6 policy but, again, I don't interpret the
 7 policies. My focus is on quantifying and my
 8 custom and practice, I know what should be
 9 included in a claim of this sort without
 10 reference to the specific wording, okay.
 11 Q. So it's your testimony that based
 12 on your 45 years of experience and your
 13 knowledge of custom and practice, that you
 14 can determine what claim should be
 15 recoverable under a policy without regard to
 16 the policy language?
 17 A. In general the liability policies
 18 and property policies, once I know the type
 19 of policy that's involved, I can tell what
 20 elements of expense are recoverable or not
 21 recoverable, when you are trying to indemnify
 22 someone for their out-of-pocket expenditures,
 23 okay, and that's what I focus in on when I
 24 look at this particular claim, I focused in
 25 on that area.

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1 CAMPOS
 2 Q. All I'm asking you, sir, though is
 3 that you can do that without regard to the
 4 specific policy language; is that correct?
 5 A. Without the specific policy
 6 language, as long as, as I testified, I know
 7 the type of policy that's involved, and
 8 unless there's some specific wording in the
 9 policy that negates whatever I've learned in
 10 the past 45 years, then that's what should be
 11 recoverable.
 12 Q. Okay. And I think you mentioned a
 13 couple times in your previous responses that
 14 you were looking at this claim from the
 15 viewpoint of someone who represents insurance
 16 companies; is that correct?
 17 A. Yes.
 18 Q. And you've also testified about
 19 custom and practice and what's to be included
 20 in a claim and what's not to be included in a
 21 claim; is that correct, sir?
 22 A. Yes, sir.
 23 Q. And is that in any kind of written
 24 document?
 25 A. No, sir. It's been part of my

19 (Pages 70 to 73)

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1 CAMPOS
 2 practice, I'm asked many times to, at a
 3 deposition or trial, to interpret the policy,
 4 I do not interpret the policy, that's left to
 5 either a licensed adjuster or to an attorney
 6 who are licensed to interpret the policies.
 7 But when I, over the years, when
 8 I've worked with the policies, I know from
 9 dealing with adjusters and insurance
 10 companies and attorneys what's to be included
 11 and not included based on custom and
 12 practice.
 13 **Q. Okay. Can you tell me based on**
 14 **your experience of working with adjusters and**
 15 **attorneys, what is to be included in a claim**
 16 **such as this in terms of custom and practice**
 17 **then?**
 18 A. The direct out-of-pocket
 19 expenditures, to properly indemnify the
 20 claimant and to exclude any overhead factors
 21 that include fixed expenditures and, in
 22 essence, recovering the actual costs
 23 incurred. And when I said that I was hired
 24 to look at it from the point of view of an
 25 accountant that's worked on behalf of

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1 CAMPOS
 2 insurance companies, I did not put the claim
 3 together, the claim was put together and I
 4 was analyzing the claim that had already been
 5 compiled.
 6 **Q. Thank you for the clarification.**
 7 **The four things that you just mentioned, the**
 8 **elements being "direct out-of-pocket**
 9 **expenses," I think you also testified to**
 10 **"properly indemnify the claimant," "exclude**
 11 **any overhead factors that include fixed**
 12 **expenditures," and then the fourth thing you**
 13 **testified to was "recovering the actual costs**
 14 **incurred."**
 15 **Can you think of anything else that**
 16 **should be included in a claim like this, or**
 17 **excluded, based on custom and practice in the**
 18 **industry as you understand it?**
 19 A. Not off the top of my head as I sit
 20 here today. That's essentially it. That's
 21 the majority of the elements that should be
 22 included.
 23 **Q. Just talking generally now, not**
 24 **about the specific facts of this case, when**
 25 **you are talking about, you testified about**

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1 CAMPOS
 2 **recovering the actual costs incurred, do you**
 3 **typically look at whether those costs are**
 4 **reasonable and necessary?**
 5 A. I look at them, I look at the
 6 documentation. I don't determine and can't
 7 determine whether they are, let's say,
 8 whether somebody could have saved \$0.10 by
 9 going someplace else, that's not the focus of
 10 my attention, whether I'm representing an
 11 insurance company or, in this particular
 12 case, critiquing a claim prepared by a
 13 policyholder. That's not part of my
 14 assignment, okay.
 15 **Q. So it is not part -- strike that.**
 16 **We're just talking generally, not**
 17 **about the specific facts of this case.**
 18 A. I understand.
 19 **Q. In an engagement it is not part of**
 20 **your assignment to determine whether costs**
 21 **could have been saved by using a cheaper**
 22 **alternative method; is that correct, sir?**
 23 A. That's correct, or whether as you
 24 asked the question earlier, whether they are
 25 necessary, that is usually not something that

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1 CAMPOS
 2 I get involved in as to whether they are
 3 necessary or not necessary. That's not part
 4 of my assignment.
 5 **Q. Okay. Is it fair to say, sir, that**
 6 **it's not part of your assignment to look at**
 7 **whether the costs are reasonable or not?**
 8 A. It is -- no. Part of my assignment
 9 is to determine whether they were reasonable
 10 vis-a-vis indemnifying a person for their
 11 out-of-pocket expenditures, that part of it
 12 is part of my assignment.
 13 And the reasonableness is what I
 14 testified earlier, the things that you just
 15 mentioned, make sure it doesn't include items
 16 that are not part of the actual expenditures.
 17 **Q. But as part of your assignment, you**
 18 **already testified that you don't look at**
 19 **whether something could be done in a less**
 20 **expensive way; is that correct, sir?**
 21 A. Whether or not they could save
 22 \$0.10 by going someplace else, yes.
 23 **Q. Or \$0.50?**
 24 A. Yes.
 25 **Q. On the dollar; is that correct,**

20 (Pages 74 to 77)